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P. White
4-28-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Arake et al.

Serial No.: 09/985,119

Filed: November 11, 2001

For: ANALYZING APPARATUS

Group: 2863

Examiner: Xiuquin Sun

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

21 April 2003

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, that the references be made of record therein, and that the references appear among the "References Cited" on any patent to issue therefrom.

The following materials (each copy thereof is attached herewith) are cited during the examination in the Japanese PTO, of the corresponding Japanese patent application.

- (1) Japanese Patent Laying-Open No. Sho 64-003716 (1983);
- (2) Japanese Patent Laying-Open No. Bel 11-082865 (1999);
- (3) Japanese Patent Laying-Open No. 200G—200294 (2000); and
- (4) "Introduction of Fluorescence X—Ray Analyzer RIX3000 and RIX300I" by Rigaku Industrial Corporation, ESI—NEWS Vol. 14, No, 2, 1996.

The following comments regarding such reference have been supplied by Applicant's foreign representative.

JP-A 64-003716

This discloses an automatic analyzer comprising an uninterruptible power supplying apparatus (UPS) therein, and memorizing analysis information in a memory when an interruption occurs. As can be seen from Fig. 1 of the specification, it is made on an assumption that the entire of analyzer is back-upped by the uninterruptible power supplying apparatus (UPS). According to the invention disclosed therein, there are disclosed two (2) cases and automated interruption processing corresponding thereto, i.e., (1) when the electricity recovers within a time period during when the UPS is able to supply the electric power, and (2) when the electricity does not recover within that time (especially, see Fig. 2). Thus, in this, the analysis information is memorized in the memory when a microprocessor determines that the time duration of a power interruption exceeds a predetermined time t_w .

However, in the invention disclosed in this prior art, it is assumed that the entire analyzer is back-upped by the UPS. Such is disadvantageous in that a UPS's expense is related to its size/capacity, i.e., the larger the capacity, the higher in the price. With this prior art, if the entire of analyzer is not sufficiently back-upped by the UPS, the analyzer stops the analyzing operation even when an instantaneous interruption occurs, and it cannot turn back to the condition when the interruption occurs.

JP-A 11-83865

This prior art is also made on an assumption that the entire system is back-upped by the UPS (see Fig. 5, electric power source portion 53), and accordingly,

appears to be the same as the above-mentioned reference. There is no disclosure about the unmanned or automatic operation of the analyzer, in particular, when the instantaneous interruption occurs.

JP-A 2000-200194 and "Introduction of Fluorescence X-Ray Analyzer RIX3000 and RIX3001"

Those two materials show only that an initialization, setting operation, and aging are conducted in a starting time of an automatic analyzing in an automatic analyzer having a X-ray tube therein.

This Information Disclosure Statement is being filed after receipt of the first Official Action but before a Final Action. Submitted concurrently herewith is a Form PTO-2038 authorizing payment of the requisite filing fee under 37 CFR §1.97(c). Please charge any shortage in fees due in connection with the filing of this paper to ATS&K Deposit Account 01-2135 (as Order No. 40814X00).

Respectfully submitted,



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Substitute for form 1449A/PTO

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| Application Number | 09/985.119 |
| Filing Date | November 1, 2001 |
| First Named Inventor | ARAKE, AKIRA |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 520.40814X00 |

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| Sheet 2 of 2 | | | | Group Art Unit | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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